

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 239 - SB 1209

March 23, 2021

SUMMARY OF ORIGINAL BILL: Authorizes patients over the age of 21 with certain medical conditions to possess and use full extract cannabis oil (RSO oil), containing tetrahydrocannabinol (THC), so long as the patient possesses a letter from the patient's primary care physician. Requires the letter to attest to such medical conditions, state that the patient has met certain requirements, and confirm that the patient and primary care physician have discussed the use and risk of using RSO oil. Requires the patient to possess proof that the RSO oil was purchased where the sale of RSO oil is lawful.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004132, 005494): Amendment 004132 deletes and rewrites all language after the enacting clause such that the only substantive change is to remove the requirement that the letter confirm that the patient and primary care physician have discussed the use and risks of using RSO oil.

Amendment 005494 deletes and rewrites language from the bill as amended by amendment 004132 to require the patient's letter: (1) attests that the patient has been diagnosed with a life threatening advanced, and metastatic cancer by a rated or recognized licensed cancer center; (2) attests that the patient has received conventional methods of treatment for the patient's cancer and those methods have failed; (3) states that the patient acknowledges and understands that RSO oil is not a treatment for cancer, but that it may alleviate some symptoms; (4) states that the patient accepts the risks that may exist with using RSO oil and understands that the patient must not use RSO oil in conjunction with an opioid; and (5) is signed and dated by both the patient and the physician in the presence of each other.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- RSO oil is derived from marijuana.

- Tenn. Code Ann. § 39-17-402(16)(A) defines marijuana as all parts of the plant cannabis, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, including concentrates and oils, its seeds or resin;
- Pursuant to Tenn. Code Ann. § 39-17-415(a), marijuana is a Schedule VI drug.
- Pursuant to Tenn. Code Ann. § 39-17-417, it is an offense to manufacture, deliver, sell, or possess a controlled substance.
- RSO is not distinguishable from other extracts produced from marijuana. This legislation authorizes possession of RSO oil; however, it would be illegal to manufacture the oil or purchase it.
- It is assumed that the number of instances in which a doctor prescribes RSO oil as a treatment regimen or in which persons would feel comfortable in producing or purchasing the oil or marijuana to manufacture the oil, would be few.
- Authorizing the possession and use of RSO oil will not result in a significant impact to the Tennessee Department of Correction.
- According to the Department of Health, the provisions in the proposed legislation will have no fiscal impact to the Department.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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